

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TYRONE TILEPHUS REID,

Petitioner,

Case Number: 2:09-CV-11942

v.

HONORABLE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

MITCH PERRY,

Respondent.

ORDER DENYING PETITIONER’S MOTION FOR RECONSIDERATION

Petitioner Tyrone Tilephus Reid, a state inmate at the Newberry Correctional Facility in Newberry, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court issued an Opinion and Order of Summary Dismissal because the Court could not discern the conviction Petitioner challenged or the grounds on which he sought habeas corpus relief. Now before the Court is Petitioner’s Motion for Reconsideration.

Local Rule 7.1(g)(3) provides the following standard regarding motions for reconsideration:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

L.R. 7.1(g)(3).

A “palpable defect” is a defect which is obvious, clear, unmistakable, manifest, or plain.

Mktg. Displays, Inc. v. Traffix Devices, Inc., 971 F. Supp. 262, 278 (E.D. Mich. 1997).

Plaintiff's motion fails to meet this standard. Rather than identify a palpable defect in the Court's Order of Summary Dismissal, Petitioner attempts to offer new arguments in support of his petition. A motion for reconsideration is not an appropriate vehicle for raising new facts or arguments that were not included in the original pleading. *See, e.g., Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 357, 374 (6th Cir.1998) (holding that a party is not permitted to raise new legal arguments on a motion for reconsideration that could have been raised earlier).

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Reconsideration [dkt. # 4] is **DENIED**.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: February 18, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 18, 2010.

S/Denise Goodine
Case Manager